

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JUDITH SCRASE,

No. C 10-2191 WHA (PR)

Plaintiff,

**ORDER OF DISMISSAL;
GRANTING LEAVE TO PROCEED
IN FORMA PAUPERIS**

v.

JOHN VAUGHN,

Defendant.

(Docket No. 8)

This civil rights complaint was filed under 42 U.S.C. 1983 by a plaintiff proceeding pro se. She has also applied for leave to proceed in forma pauperis.

Plaintiff alleges that defendant, a public defender, violated her constitutional rights while representing her in state court criminal proceedings. Plaintiff has raised these same allegations in a previous in forma pauperis complaint, however. *See Scrase v. Vaughn*, No. C 10-2191 WHA (PR). An in forma pauperis complaint repeating the same factual allegations asserted in an earlier case, as here, even if now filed against new defendants, is therefore subject to dismissal as duplicative. *Bailey v. Johnson*, 846 F.2d 1019, 1021 (5th Cir. 1988); *see also Cato v. United States*, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995) (dismissing duplicative complaint under 28 U.S.C. 1915(e)). Plaintiff's claims are accordingly **DISMISSED** as duplicative of the claims raised in her earlier case.


Good cause appearing, the application to proceed in forma pauperis (docket number 8) is **GRANTED**.

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1 The order setting an initial case management conference and ADR deadlines is
2 **VACATED.** The clerk shall enter judgment and close the file.

3 **IT IS SO ORDERED.**

4 Dated: June 25, 2010.

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6 WILLIAM ALSUP
7 UNITED STATES DISTRICT JUDGE
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